

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALVIN PINTOR,  
Individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

Case No. 17-cv-890-pp

HYPRO, INC., d/b/a Spirit Manufacturing, Inc.,  
and SERVICE FIRST STAFFING, INC.,

Defendants.

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**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF  
CLASS AND COLLECTIVE ACTION SETTLEMENT (DKT. NO. 23) AND  
APPROVING STIPULATION TO CERTIFY THE RULE 23 CLASS AND THE  
COLLECTIVE CLASS ACTION (DKT. NO. 24)**

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On June 29, 2018, the parties filed a joint motion for preliminary approval of class and collective action settlement. Dkt. No. 23. The parties attached their settlement agreement, dkt. no. 23-1, and filed a brief explaining why they believe the settlement is fair, reasonable, and adequate, dkt. no. 25. The parties also applied the Rule 23(a) and (b) standards to the proposed Rule 23 class of all hourly employees employed at Spirit Manufacturing by the defendants between June 27, 2015 and January 6, 2017 (identified in Exhibit A to the settlement agreement). Dkt. Nos. 23-2, 25.

The court **FINDS** that the settlement agreement (dkt. no. 23-1) is fair, reasonable and adequate, **GRANTS** the joint motion for preliminary approval of class and collective action settlement (dkt. no. 23), and **APPROVES** the parties'

joint stipulation to certify a collective action under 29 U.S.C. §216(b) and to certify a class under Fed. R. Civ. P. 23 (dkt. no. 24).

The court **APPOINTS** Alvin Pintor as class representative of the Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **APPOINTS** Hawks Quindel, S.C. as class counsel for the certified Fed. R. Civ. P. 23 Class and the 28 U.S.C. §219(b) Collective Class.

The court **FINDS** that the parties' proposed Notice of Class Action Settlement and the Consent (ECF No. 23-3) is the best notice practicable under the circumstances for distribution to all putative members of the Rule 23 Class and Collective Class. The court **FINDS** that the parties' Notice of Class Action Settlement constitutes valid, due, and sufficient notice to Rule 23 Class and Collective Class Members and **ORDERS** that:

1. Defense counsel shall produce a class list to Class Counsel as a Microsoft Excel spreadsheet including each putative Class Member's name, last known street address, city, state, zip code, and phone number (if known) (with each piece of data as a separate column) within seven (7) days of the date of this order;

2. Class Counsel shall mail the notice within seven (7) days of defense counsel providing a class list as set forth in Section 1 above;

3. Putative Collective Class members shall file a consent form within thirty (30) days of the mailing of the notice to assert their FLSA claims;

4. Any individual who wishes to exclude himself or herself from the Rule 23 Class must opt out, per the instruction in the Notice of the Class Action Settlement, within thirty (30) days of the mailing of the notice;

5. Any individual who does not exclude himself or herself from the Rule 23 settlement shall be bound by any court order granting final approval to the settlement;

6. Any Rule 23 Class Member who wishes to object in any way to the proposed Settlement Agreement shall file and serve those objections in writing—following the instructions in the Notice of Class Action Settlement— together with copies of all papers in support of his or her position, no later than thirty days after the mailing of the Notice of Class Action Settlement; and

7. Class Counsel shall file a motion for approval of attorneys' fees on or before a date at least twenty-one (21) days prior to the fairness hearing. Any supplemental brief in support of final approval of the Settlement Agreement or in response to any objections to the application for attorneys' fees, if any, at least seven (7) days before the September 18, 2018 fairness hearing.

Dated in Milwaukee, Wisconsin this 11th day of July, 2018.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**United States District Judge**